



Conference Program

(as of January 16, 2019)

ABA Section of Dispute Resolution Spring Conference

Minneapolis, MN

Minneapolis Hyatt Regency

April 10 – 13, 2019

The events listed in this Conference Program are subject to change. Attendees should refer to the On-Site Conference Program Book and Conference App for the events and schedule.

Ambar.org/spring2019

Diamond Sponsors:

American Arbitration Association (AAA)

JAMS

NAM (National Arbitration and Mediation)

Thomson Reuters

Helpful Links:

Register for the conference online at
https://www.americanbar.org/groups/dispute_resolution/events/cl/annual/

or use the Registration Form at the end of this Conference Program

[Hotel and Travel information](#) is posted to the conference web site. [Make a reservation](#) at the Minneapolis Hyatt Regency.

[Sponsorship, Advertising, and Exhibiting Opportunities](#) are still available.

Join the “Spring Conference Countdown” community on ABA Connect. We will post conference updates to this community, including registration, program details, plenary presenter announcements, special events, and more. To receive updates from the Countdown Community you must join the Community. Follow this link ([Join the Spring Conference Countdown Community](#)) and then click on “Join Community” in the right-hand corner. When prompted, make sure you set your email preferences to Real Time or Daily Digest in order to be notified when there is an update.

2019 Spring Conference Program at a Glance

The final times and events are subject to change. See the On-Site Conference Program Book or the Conference App for final event listings and times.

Wednesday, April 10, 2019

8:00 AM	to	4:15 PM	Symposium on ADR in the Courts
8:00 AM	to	5:00 PM	National Representation in Mediation Competition, Rounds 1 and 2
1:00 PM	to	5:00 PM	ABA Section of Dispute Resolution Council Meeting
5:00 PM	to	7:30 PM	Symposium on ADR in the Courts Wednesday Evening Reception at the United States District Court for Minnesota (times are tentative)

Thursday, April 11, 2019

8:00 AM	to	9:00 AM	Continental Breakfast and Committee Networking Meetings
8:00 AM	to	5:00 PM	National Representation in Mediation Competition, Semi-Final and Final Rounds
9:00 AM	to	10:15 AM	Thursday morning plenary
10:45 AM	to	12:00 PM	Concurrent A Educational Sessions
12:00 PM	to	1:30 PM	Lunch Break
1:30 PM	to	2:45 PM	Concurrent B Educational Sessions
3:00 PM	to	4:15 PM	Concurrent C Educational Sessions
4:30 PM	to	5:30 PM	Thursday Afternoon Showcase Sessions
5:45 PM	to	6:15 PM	ABA Section of Dispute Resolution "Lightning" Awards Ceremony
6:15 PM	to	7:45 PM	Conference Reception in the Exhibit Hall

Friday, April 12, 2019

8:00 AM	to	9:00 AM	Continental Breakfast and Committee Networking Meetings
9:00 AM	to	10:00 AM	Friday Morning Plenary
10:15 AM	to	11:30 AM	Concurrent D Educational Sessions
11:30 AM	to	1:00 PM	Lunch Break
1:15 PM	to	2:30 PM	Concurrent E Educational Sessions
2:45 PM	to	4:00 PM	Concurrent F Educational Sessions
4:15 PM	to	5:30 PM	Resource Share Programs -- Legal Educators' Colloquium and Court ADR
6:00 PM	to	8:00 PM	Conference Reception at the Minneapolis Institute of Art (included in the conference registration, non-registered guests must purchase a ticket)

Saturday, April 13, 2019

7:30 AM	to	3:30 PM	Legal Educators' Colloquium
12:30 PM	to	2:00 PM	Legal Educators Colloquium Luncheon and Presentation of the Scholarly Work Award

WEDNESDAY, APRIL 10

SYMPOSIUM ON ADR IN THE COURTS

Symposium Keynote Address

9:15 AM - 10:30 AM

- Welcome and Announcements
- Keynote Address: Rethinking the Delivery of Justice in a Self-Service Society
Michael L. Buenger, National Center for State Courts, Williamsburg, VA

General CLE Credit

1104 - Minnesota Tribal Courts

10:45 AM - 12:00 PM

Come learn about the past, present and future of the Tribal State Court Forum, an alliance of Minnesota tribal court and state court judges built to foster professional relationships between the courts and develop a means to address disputes arising from their concurrent jurisdictions.

Vanya S. Hogen
Hogen Adams
St. Paul, MN

Prof. Tadd Johnson
UMD
Duluth, MN

Speakers:

Colette Routel
Mitchell Hamline School of Law
Minneapolis, MN

General CLE Credit

1134 - "Trust the Process?" Understanding and Learning from Party Perceptions of Court-Connected ADR Programs

10:45 AM - 12:00 PM

Lawyers and parties approach court systems with preconceptions about what to expect. Those perceptions inform their willingness to attempt, appreciate, and create positive outcomes in court-connected ADR processes. What can court-connected programs do to build trust with potential participants? Drawing observations from joint projects with the Harvard Negotiation & Mediation Clinical Program (HNMCP), leaders of court-connected ADR programs will explore the ways parties receive messages--intended or unintended--about ADR. Together the panel and attendees will explore how messaging impacts experiences of access, quality, integrity, and effectiveness, and how court programs should consider and respond to such perceptions if they are to improve.

Sara del Nido Budish
Harvard Negotiation & Mediation Clinical Program
Cambridge, MA

Heather Scheiwe Kulp
Office of Mediation and Arbitration, New Hampshire
Judicial Branch
Concord, NH

Speakers:

Rebecca Price
U.S. District Court SDNY
New York, NY

Not for CLE Credit

Keywords: Court ADR

SYMPOSIUM ON ADR IN THE COURTS

1009 - Ignorance is Not Bliss: Improving Parties' Awareness of ADR Options

1:30 PM - 2:45 PM

Do parties know about the court-sponsored ADR programs that are available to them? Find out about the large-scale empirical research project designed to answer this question. Spoiler: the results are disheartening. On the bright side, the study also found that litigant awareness of court-sponsored programs had noteworthy implications - for example, litigants had more favorable views of their court when they knew it offered mediation. Audience members will brainstorm ideas for how lawyers and courts can improve litigants' awareness of ADR programs so that those who could get justice through these options know about them, and know how to access them.

Speakers: Donna Shestowsky
University of California, Davis
Davis, CA

Not for CLE Credit

Keywords: Mediation; Court ADR

1105 - Innovations and Challenges in Court-Annexed ADR Panel Models

1:30 PM - 2:45 PM

As the availability of court-annexed mediation has increased, so have varying models for court-annexed ADR panels. This program will discuss the challenges that exist in administering paid, pro bono, and low-bono ADR panels.

Speakers: Dean Leslie
United States Court of Appeals for the Second
Circuit
New York, NY

Mandy R. Sarkissian
Virginia Judicial System
Richmond, VA

General CLE Credit

Keywords: Court ADR

1280 - ODR: New Designs for Party-Driven Solutions

1:30 PM - 2:45 PM

Online Dispute Resolution has quickly captured the attention of judges, court administrators, legal services providers, and others as a potential means of addressing Access to Justice and customer service goals, and reducing the time and cost of resolving disputes by taking advantage of the technology most people carry in their pocket. This session explores how state offices, local courts, and legal services offices have assessed ODR system options, the goals they identified for their systems, and lessons learned in the early days of ODR practice.

Speakers: Christina Clauss
Legal Aid Society of Orange County
Santa Ana, CA

Brendan P. McCullagh
West Valley Justice Court
West Valley City, UT

Speakers: Doug Van Epps
Michigan Supreme Court
Lansing, MI

Not for CLE Credit

WEDNESDAY, APRIL 10

SYMPOSIUM ON ADR IN THE COURTS

1071 - **Revisiting the National Standards for Court Connected Mediation Programs**

3:00 PM - 4:15 PM

The National Standards for Court Connected Mediation Programs were developed by leading ADR thinkers a quarter century ago, during the infancy of court connected mediation. They address many critical topics including access to mediation; qualifications, selection, and compensation of mediators; ethical standards; inappropriate pressure to settle; and enforceability of mediated agreements, and served as a basis for court mediation programs across the country. The panelists and participants in this session will explore how well the 1992 National Standards have withstood the test of time and ways in which the evolution of court connected mediation might make updated standards for court connected mediation programs beneficial.

Howard Herman
US District Ct., ND California
San Francisco, CA

Jonathan S. Rosenthal
Mediation and Conflict Resolution Office (MACRO)
Annapolis, MD

Speakers:

Linda R. Singer
JAMS
Washington, DC

Alan Wiener
Court ADR Consultant
US

Not for CLE Credit

Keywords: Court ADR; Ethics

1135 - **Family Feud? Use Elder Mediation & Eldercaring Coordination to Manage High-Conflict Probate Litigation**

3:00 PM - 4:15 PM

The aging population is increasing. As baby boomers become elders, families in conflict turn to the court to make decisions. The court is ill-suited to resolve non-legal feuds that overshadow elders' needs. Elder mediation is an effective ADR option for disputes involving underlying non-legal family conflict in most cases. For high-conflict cases, eldercaring coordination has developed to manage family dynamics and resolve issues pertaining to an elder's care. This intermediate-level program is appropriate for judges, attorneys, mediators, and probate/mental health professionals and will use an interactive format to inform on elder ADR options to meet high-conflict probate litigation trends.

Linda Fieldstone
Elder Justice Initiative on Eldercaring Coordination
Miami, FL

Sarah J. Gross
Orange County Superior Court
Orange, CA

Speakers:

Zena Zumeta
Mediation Training & Consultation Institute
Ann Arbor, MI

General CLE Credit

Keywords: Family; Court ADR

WEDNESDAY, APRIL 10

SYMPOSIUM ON ADR IN THE COURTS

1137 - Effective Advocacy for ADR Clients: Best Practices from Multiple Perspectives

3:00 PM - 4:15 PM

In this interactive workshop, a team of diverse panelists will discuss and offer best practices on how to advocate for diverse ADR clients in dispute resolution processes. The panel will discuss how culture, gender and subject matter expertise shape differing client needs and will provide expert tips to understand and employ cross-cultural research and practices in promoting client interests and meeting client needs in dispute resolution processes.

Speakers:

Gina Miller
JAMS
Chino Hills, CA

Sukhsimranjit Singh
Pepperdine University
Malibu, CA

General CLE Credit

Keywords: Advocacy; Court ADR

PLENARY

1036 - No Risk, No Reward -- How Creativity, Resourcefulness and Confidence Can Change the Face of Resolving Disputes

9:00 AM - 10:15 AM

A corporate executive and a federal district court judge have faced their own unique challenges and risks trying to resolve disputes outside the norm and with the long game in mind. Their cutting-edge approaches to transforming the behavior and expectations of disputants are as noteworthy as their results. Please join us for a provocative dialog and get inspired to be creative and resourceful in resolving disputes you handle.

Scott S. Partridge
Bayer US, LLC
St. Louis, MO

Hon. Dan A. Polster
U.S. District Court
Cleveland, OH

Speakers:

Richard H. Silberberg
College of Commercial Arbitrators
New York, NY

Not for CLE Credit

Keywords: Litigation; Mediation; Negotiation; Commercial

CONCURRENT SERIES A.....10:45 AM – 12:00 PM

1013 - Ombuds: What's in a Name?

10:45 AM - 12:00 PM

Ombuds add value and provide specialized services in a unique way in a wide variety of contexts. Come listen to this panel of experienced ombuds representing a wide spectrum of disciplines, who will share insights regarding their different roles, functions and the benefit they provide to their organizations and constituents. Bring your questions for these ombuds who work in both the private and public sectors, and who serve as internal and external resources.

Crystal Brakke
Teach For America
Minneapolis, MN

Jill Kehaulani Esch
Office of Ombudsperson for Families, State of Minnesota
St. Paul, MN

Wendy Friede
Friede Consulting
Minneapolis, MN

Elizabeth Hill
University of Colorado Boulder
Boulder, CO

Speakers:

Patrick N. Holman
US Department of Energy
Hugo, MN

Ralph Johnson
McKinsey & Co.
Cleveland, OH

Roberta Opheim
Minnesota Office of Ombudsman for Mental Health and
Developmental Disabilities
St. Paul, MN

Not for CLE Credit

Keywords: Ombuds

1068 - Enforcing Mediated and other Settlements in a Flat World: Learning How to Provide What International Disputants Want and Need

10:45 AM - 12:00 PM

The Global Pound conferences and UNCITRAL Working Group II demonstrate the increasing demand for flexible cost-effective process - including mediation - that can yield enforceable results. Cross-border transactions are increasing exponentially for both large and small businesses. You don't have to wait until signing and implementation of the Singapore Convention relating to mediated settlements to provide solutions. This interactive program will provide concrete information on how to structure a cost-effective hybrid ADR process that can yield an enforceable result under the New York Convention.

Jennifer Brandt
Brandt Law & Mediation, LLC
Springfield, NJ

Laura A. Kaster
Appropriate Dispute Solutions
Princeton, NJ

Speakers:

Robert Margulies
SchumannHanlon Margulies
Jersey City, NJ

David S. Weiss
Professor David S. Weiss, New Jersey City
University
Jersey City, NJ

General CLE Credit

Keywords: International; Mediation

1002 - First Impressions: Drafting Effective Pre-Mediation Statements

10:45 AM - 12:00 PM

In civil disputes, mediators often encourage advocates to submit pre-mediation statements. These narratives are meant to educate the mediator on the most pressing factual and legal disputes between the parties before the session. Yet litigators have almost no useful guidance on drafting such statements. Unlike many legal documents – pleadings, motions, and settlement agreements – there are no standard templates or specific requirements on their form or substance. Neither law schools nor law firms provide much training on drafting pre-mediation statements, which are considered a fairly niche genre of legal writing. Indeed, mediators themselves, as well as administering organizations, often provide little direction to advocates. Now that mediation has become firmly embedded into our litigation culture, it is time for litigators to embrace some concrete “best practices,” and time for mediators to clarify those best practices. This session will explore the industry consensus on pre-mediation statements, and solicit audience participation on their own views.

Speakers:

Donna Erez Navot
Cardozo Law School
New York, NY

Brian Farkas
U.S. District Court, Southern District of New York
New York, NY

Skills CLE Credit

Keywords: Advocacy, Mediation; Skills

1022 - Adapting Arbitration to Meet Client Needs

10:45 AM - 12:00 PM

This program will examine the specific concerns that clients have about arbitration and the ways in which arbitral stakeholders can modify the arbitral experience to meet those needs. Presenters will focus on specific innovations adopted by administering institutions such as the AAA, JAMS, CPR and the ICC in areas related to cost containment, emergency and equitable relief, and the impartiality of arbitrators. The session will also identify the ways in which artfully-crafted arbitration clauses can address client needs and concerns.

Speakers: James R. Ferguson
Mayer Brown LLP/ University of Chicago Law School
Chicago, IL

Karen Jalkut
American Arbitration Association
Boston, MA

Not for CLE Credit**Keywords: Arbitration****1027 - Ethical Advocacy in Arbitration - The Perspective of the Parties and Counsel**

10:45 AM - 12:00 PM

This interactive program poses real-life scenarios that involve serious ethical issues. The panel, comprised of an experienced arbitrator, an arbitration advocate and in-house counsel for an arbitration party, will present these problems, challenge the attendees to analyze the critical ethical concerns, and discuss and offer solutions for managing them.

Speakers: Shari Aberle
Optum
Eden Prairie, MN

Ed Magarian
Dorsey & Whitney LLP
Minneapolis, MN

John R. Holsinger
College of Commercial Arbitrators
Hackensack, NJ

Ethics/Professionalism CLE Credit**Keywords: Ethics; Arbitration; Advocacy****1028 - Expanding the Collaborative World to All Civil Practitioners**

10:45 AM - 12:00 PM

North Carolina has brought collaborative law principles and practice from its family law beginnings to all civil disputes. Learn how this has been done through Bar organizations, law schools, training sessions for attorneys, formation of a separate non-profit whose mission is to educate the public and attorneys about the use and advantages of the collaborative law process, and introduction of the Uniform Collaborative Law Act into the North Carolina legislature. This program is for anyone who would like to expand collaborative practice in their state beyond family practice to the resolution of any civil dispute.

Speakers: Aida Doss Havel
Just Us Collaborative Divorce Professionals
Rodanthe, NC

John L. Sarratt
North Carolina Civil Collaborative Law Association
Raleigh, NC

Not for CLE Credit**Keywords: Collaborative Law; Practice Development**

1037 - Mediating Through Different Lenses: How Master Mediators Blend Law, Psychology and Business Perspectives

10:45 AM - 12:00 PM

This highly interactive workshop - a tribute to the movies Rashomon and Inside Out - will view and analyze a single fact pattern of a dispute from multiple perspectives. Together we will explore how vastly different the same fact pattern can look when the mediator views the facts through a legal lens, a psychological lens, a business lens, and then finally a problem-solving lens. We will also explore how viewing this dispute through these different lenses can yield a measurably better outcome for the participants, as well as a better process along the way, resulting in higher user satisfaction rates.

Speaker: Lee Jay Berman
American Institute of Mediation
Los Angeles, CA

Not for CLE Credit

Keywords: Mediation; Skills

1047 - Mediation in the Context of Intimate Partner Violence: A Discussion Guide for Mediators

10:45 AM - 12:00 PM

Mediation can be - but is not always - an empowering opportunity for parties who have experienced domestic violence, either as victims or perpetrators. This session examines the mediator's obligation to help individual parties decide whether and under what conditions to participate in mediation. Session participants will explore and critique the new "Mediation Discussion Guide" developed for this purpose by the Battered Women's Justice Project.

Speakers: Loretta M. Frederick
Battered Women's Justice Project
Winona, MN

Nancy Ver Steegh
Mitchell Hamline School of Law
St. Paul, MN

Skills CLE Credit

1076 - Playing with Fire - The Challenges of Mediating Sexual Harassment and Gender Discrimination Claims in the #Me Too and #Times Up Culture

10:45 AM - 12:00 PM

The seismic and public reckoning that has unfolded in the aftermath of the Harvey Weinstein fallout is ushering in a new world order for the workplace. Where employees have initiated legal claims (or demand letters) against their employer alleging sexual harassment or gender discrimination, unique challenges lie ahead when parties consider mediating such disputes. This esteemed panel will dive in to this hot topic with cogent and timely insights. This presentation is a highly interactive intermediate level session that is specifically designed for plaintiff/defense employment counsel, in-house counsel, and mediators.

Speakers: Dionne Blake
Target
Minneapolis, MN

Mary M. Krakow
Fredrikson & Byron, P.A.
Minneapolis, MN

Larry Schaefer
Schaefer Halleen, LLC
Minneapolis, MN

Hildy Bowbeer
U.S. District Court
St. Paul, MN

Antone Melton-Meaux
Work Resolve Mediation
Minneapolis, MN

General CLE Credit

Keywords: Mediation; Social Justice; Employment

1099 - I Know You Want to "Beat the Heck Out of 'Em" and that "Money Doesn't Matter", But... - How to Save Parties from Themselves in Construction Arbitration

10:45 AM - 12:00 PM

Too often counsel and arbitrators in construction arbitrations lose sight of the true interests of the parties, becoming bound up in their discrete roles in the process. A Hint: It's not our money on the line, it's the parties'. This interactive program - through the use of short videos, panel discussions and audience participation - will focus on the management of parties and their realistic (and not so realistic) expectations at various stages of arbitration, including (i) the initial decision to arbitrate, (ii) once a dispute arises, (iii) during the pre-Hearing exchange of information; iv) at the Hearing, and (v) post-Hearing.

Neal M. Eiseman
Goetz Fitzpatrick LLP
New York, NY

Herbert H. (Hal) Gray, III
Ragsdale, Beals, Seigler, Patterson & Gray, LLP
Atlanta, GA

Speakers:

Karen P. Layng
M.A.I.T. Co.
Riverside, IL

General CLE Credit

Keywords: Construction; Arbitration

1102 - **Effective Arbitrations: Strategies for Advocates and Arbitrators**

10:45 AM - 12:00 PM

Experienced arbitrators, in-house and outside counsel will offer practical tips to improve the effectiveness and efficiencies of the arbitration process, from pre-dispute clause drafting through award. Strategies considered will include: forum selection and arbitration protocols; arbitrator selection; ways to gain advantage before the initial scheduling conference; streamlining the accumulation and presentation of evidence; and tips on getting the award the client wants. Panelists will also address the practicalities of the arbitrator's and counsels' roles in managing the process and involving client participation effectively.

Deborah Deitsch-Perez
Stinson Leonard Street
Dallas, TX

Jill Dessalines
Strategic Advice for Successful Lawyers
Summertown, TN

Speakers:

Patricia A. Nolan
The Law Office of Patricia A. Nolan
Dallas, TX

Gilda R. Turitz
Turitz Dispute Resolution
San Francisco, CA

General CLE Credit

Keywords: Arbitration; Advocacy

CONCURRENT SERIES B.....1:30 PM – 2:45 PM

1011 - Revamping Arbitration to Serve Clients: Interactive Discussion on Innovative Proposals

1:30 PM - 2:45 PM

What innovative approaches can arbitral institutions, corporate users, and attorney/advocates adopt to address both real and perceived deficiencies in the arbitration process? Through interactive discussion with attendees, we will explore a variety of proposed techniques and rule changes - from modest to extreme - that address client concerns with current arbitration rules and practice, including proposals on cost, diversity, appeal rights and beyond.

Gary L. Benton
Gary Benton Arbitration
Palo Alto, CA

Ed Lozowicki
Lozowicki ADR
San Francisco, CA

Speakers:

Dana Welch
Welch ADR
San Francisco, CA

General CLE Credit

Keywords: Arbitration; International

1015 - It's Not About Me???? Family Law Mediator Biases and Distractions as Barriers to Effective Party Participation

1:30 PM - 2:45 PM

Nowhere do the challenges of mediator distraction and bias emerge more pointedly than in divorce mediation, where the mediator's personal experiences and feelings and unconscious biases operate so strongly. Unlike commercial cases where the personal perspectives of the mediators rarely are triggered by the actions and positions of the parties, family law disputes typically raise issues of fairness, blame, fidelity and finances in ways that are often directly connected to the personal histories of the mediator. This panel will explore the many ways these challenges emerge in family law mediation, and will offer practical strategies for overcoming these challenges to meet the needs of the parties. The presenters include a novelist (who will read an excerpt from her novel focused on the personal life of a family law mediator), a therapist/lawyer mediator team who also are married to each other, and a gay family law mediator who specializes in resolving same-sex marital and cohabitation disputes.

Marisha Chamberlain
Chamberlain Lit LLC
St. Paul, MN

Stephen K. Erickson
Erickson Mediation Institute
Bloomington, MN

Speakers:

Frederick Hertz
Mediation Office of Frederick Hertz
Oakland, CA

Not for CLE Credit

Keywords: Family; Mediation

Disputes between healthcare providers and others (payors, patients, suppliers) are increasingly resolved through ADR. But what about conflicts within healthcare organizations? Mediation can address conflicts directly among parties, well before attorneys are involved. This session describes mediation and facilitated conversations in varying internal healthcare settings: administration versus medical staff of a healthcare corporation; faculty-faculty conflict in an academic medical center; provider-patient treatment disputes and intra-family conflicts. Panelists' stories will show how this type of mediation (1) differs from that used in resolving external disputes which often result in litigation; (2) the evolution of innovative approaches to intra organizational dispute resolution; and (3) how healthcare counsel can promote in-house conflict resolution processes.

Speakers:

Terri Keville
Davis Wright Tremaine LLP
Los Angeles, CA

Haavi Morreim
College of Medicine, UTHSC
Memphis, TN

Not for CLE Credit

Keywords: Mediation; Healthcare

1032 - Say What? Arbitrator Disclosures - What Arbitrators Should Disclose, What Counsel Should Do with Disclosures, and Why It Matters

1:30 PM - 2:45 PM

This program is presented by the American Arbitration Association (AAA), a Diamond Sponsor of the 2019 Spring Conference.

Arbitrators have an obligation to disclose certain information to the arbitration parties and counsel. Arbitrators, however, often differ on what information they disclose in any specific case, whether for fear of garnering an objection, an incomplete conflicts check or memory, or other reasons. For their part, counsel don't always know what to do with arbitrator disclosures, particularly ones that raise more questions than they answer. Using examples from actual arbitration cases, the panelists will focus on what an arbitrator should disclose, what counsel and their clients can and should do with disclosures, and the potential ramifications of disclosures.

Speakers:

David Allgeyer
Allgeyer Law & ADR LLC
Minneapolis, MN

Serena K. Lee
JAMS
San Francisco, CA

Rebecca Storrow
American Arbitration Association
Miami, FL

A. Kelly Turner
American Arbitration Association
Chicago, IL

Mitch Zamoff
University of Minnesota Law School
Minneapolis, MN

General CLE Credit

Keywords: Arbitration; Ethics; Skills

This interactive program will explore the vital and under emphasized role of dignity in dispute resolution. Participants will learn how understanding and using Dr. Donna Hick's ten essential elements of dignity and related temptations can generate more effective processes and lead to better outcomes. The session will allow time for group discussion and peer-based learning.

Speakers: Natalie C. Fleury
Medical College of Wisconsin
Milwaukee, WI

Julie Hagen Showers
University of Minnesota
Minneapolis, MN

General CLE Credit

Keywords: Mediation; Ombuds

1040 - Increase Transparency and Trust in the Mediation Process: Learn to Use The Visual Mediation Agenda Template

1:30 PM - 2:45 PM

What if in the early stages of a mediation, parties could see a map of the dynamics that would affect engagement later on? With a Visual Mediation Agenda, they can. The presenter will show exactly how to use the Visual Mediation Agenda Template in any mediation to quickly engage parties in setting the structural foundation for a successful mediation. By creating this bird's eye view of the mediation, a mediator can increase the parties' trust in the mediation process which will assist in increasing their confidence level during the mediation. Who should attend this session? Any one interested in taking a BIG leap in working visually in a mediation will benefit from the guidance and tips provided during this unique session. All participants will receive a FREE copy of the Mediator's Step-by-Step Guide and the Visual Mediation Agenda Template. This session is suited for all practitioners working in mediation, regardless of experience level.

Speaker: Lisa Arora
Big Time Visual
Victoria, BC, Canada

Not for CLE Credit

Keywords: Mediation; Skills

1045 - A New World for ADR: The ABA's Guidelines on the Use of Special Masters in Civil Litigation

1:30 PM - 2:45 PM

A working group of representatives across the American Bar Association has created guidelines designed to make greater and more effective use of special masters as a regular and accepted part of civil litigation. This program will inform in-house counsel, practitioners, ADR professionals, judges and court administrators, and others about the new guidelines and what they mean for civil litigation in both federal and state courts.

Speakers: Merrill Hirsh
HirshADR PLLC
Washington, DC

Gail Sharps Myers
American Tire Distributors, Inc.
Charlotte, NC

Judge David K. Thomson
First Judicial District Court, New Mexico
Santa Fe, NM

Nancy Welsh
Texas A&M University School of Law
Fort Worth, TX

General CLE Credit

Keywords: Litigation; Court ADR; Advocacy

1058 - Resume Workshop for Arbitrators & Mediators: Tips, Pitfalls and Must-Haves

1:30 PM - 2:45 PM

Bring two copies of your resume (and copies of your website pages) for this hands-on, interactive and practical workshop essential for any arbitrator or mediator interested in building their practice! Get real-time feedback on your resume and get tips on how to present yourself to clients that will highlight your expertise and your knowledge in ADR processes. Join experienced professionals from the JAMS and the American Arbitration Association, to hear what clients indicate they look for in arbitrators and mediators and learn how best to present yourself in a competitive marketplace.

Speakers:

Elizabeth Carter
JAMS
New York, NY

Matthew Conger
American Arbitration Association
Washington , DC

Not for CLE Credit

Keywords: Practice Development

1087 - Best Practices for Mediating with LGBT Parties

1:30 PM - 2:45 PM

Individuals from the LGBT community, like those in other marginalized groups, may be wary of using ADR processes based on concerns about whether the neutral, the lawyers, or the other parties will be culturally competent and whether the process can be truly fair. In this panel, LGBT mediators and litigators will discuss their experiences from all sides of the process working with gay and transgender parties to make sure they can fully participate in and benefit from the transformative possibilities of mediation. Subject areas to be discussed include employment, family law, and estate planning.

Speakers:

Celeste Culberth
Culberth & Lienemann, LLP
Saint Paul, MN

Martin B. Ho
Stingley & Ho, PLLP
Minneapolis, MN

R. Kamela Laird
Integrate Legacy Law
El Cajon, CA

Ilona Turner
Turner ADR
Oakland, CA

Elimination of Bias CLE Credit

Keywords: Mediation; Diversity; Skills

1106 - Can Dispute Resolution React? Perspective on Collaborative Initiatives to Address Community Division and Intervention in the Face of Social Crisis

1:30 PM - 2:45 PM

More than 50 years ago Congress Established the Community Relations Service to serve as "America's Peacemaker" for "community conflict." Today, activists organize quickly; DOJ has a new wave of leadership; and new organizations support reactive work while communities seek to proactively address community division. This interactive session will explore institutional and participant perspectives on dispute resolution intervention in social crisis while highlighting initiatives which proactively address community division.

Terry Amsler
Indiana University School of Public &
Environmental Affairs
Bloomington, IN

William Froehlich
The Ohio State University
Columbus, OH

Speakers:

Becky L. Monroe
The Divided Community Project
Washington, DC

Not for CLE Credit

Keywords: Social Justice; Public Policy

1136 - Clicking Confidential: Practical Guidance to Protect Cybersecurity and Ensure Cross-Border Data Privacy Compliance in Arbitration

1:30 PM - 2:45 PM

With hacking incidents constantly in the news and well-publicized examples of cybersecurity breaches involving law firms and in arbitrations, parties and counsel are increasingly focused on the need to implement reasonable cybersecurity measures to protect information exchanged in the arbitration process. Less is known about solutions: the reasonably accessible measures that can be undertaken in individual matters to protect the legitimate confidentiality expectations of arbitration users. This program will focus on filling that gap with practical, implementable advice, presented in a lively format that will illustrate how the planning and implementation of reasonable cybersecurity measures can unfold.

Stephanie Cohen
Stephanie Cohen
Brooklyn, NY

Mark C. Morrill
MorrillADR
New York, NY

Speakers:

Sarah Reynolds
Mayer Brown LLP
Palo Alto, CA

Skills CLE Credit

Keywords: Arbitration; Technology; Skills

CONCURRENT SERIES C.....3:00 PM – 4:15 PM

1014 - Technological Concepts and Evidence in Arbitration: How to Present a Compelling Case

3:00 PM - 4:15 PM

Effective communication is required to educate and persuade arbitrators to favor your client's factual and legal position. Technology is often used in a courtroom setting to persuade judges and juries but is often overlooked in the arbitration setting. This presentation will explore and demonstrate the power of technology in the arbitration context including written submissions, graphics, animation and electronic evidence and presentation management.

Felicia J. Boyd
Barnes & Thornburg, LLP
Minneapolis, MN

Lee A. Hutton, III
Hutton, Kluz, & Evans, LLC
St. Paul, MN

Speakers:

Kyle Peterson
Paradigm a Veritext Company
Minneapolis, MN

General CLE Credit

Keywords: Arbitration; Technology

1019 - How to Manage your Client Through the Various Stages of Resolving a Dispute

3:00 PM - 4:15 PM

Settlements aren't happenstance. Regardless of how parties ultimately resolve their dispute - negotiation, mediation, litigation - proper planning and implementation are crucial to achieving satisfactory results. This experienced panel will discuss what approaches and techniques they use in managing clients through the process of resolving disputes, including the role of information gathering, strategic thinking, risk assessment, preparing clients, involving decision makers and interested parties, and effective and ongoing communications.

Ilyse S. Goldsmith
U.S. Bank
Minneapolis, MN

Nicole Narotzky
Maslon Law Firm
Minneapolis, MN

Speakers:

William Pentelovitch
Maslon Law Firm
Minneapolis, MN

Kari Rhode
Medtronic, Inc.
Minneapolis, MN

Haley Schaffer
3M
St. Paul, MN

General CLE Credit

Keywords: Litigation; Negotiation; Mediation; Advocacy; Skills

1025 - Diversity Matters Make Meaningful Mediations: Lessons Learned at the EEOC

3:00 PM - 4:15 PM

As the EEOC enters its 20th year of providing mediation services for employment discrimination disputes, the panelists reflect on the success of the largest national mediation program focused on the private sector. In these two decades, over 220,000 successful mediations were conducted, resulting in a recovery of over \$2 billion in monetary benefits for claimants. New laws, evolving socio-cultural norms and new expectations of workplace civility have posed new challenges for both employees and employers in the workplace. Regional EEOC managers and mediators will discuss the many lessons learned in meeting these growing needs of parties involved in employment discrimination disputes. Panelists will explore a myriad of "hot topics" that mediators face when resolving disputes involving racial discrimination, ADA accommodations and sexual harassment in the #MeToo Movement era and offer practical tips for how to prepare for these mediations.

Speaker:

Jennifer Ortiz Prather
EEOC, Houston District
Houston, TX

Elimination of Bias CLE Credit**Keywords: Diversity; Mediation; Employment****1038 - Mediation Ethics: Caucus Conundrums**

3:00 PM - 4:15 PM

Mediation often involves the use of caucus - or separate meetings with different parties. In fact, some parties never see each other during the entire process. What are the ethical issues that can arise when working with parties in mediation who never meet? Join mediators and trainers for a discussion of the ethical considerations that may come into play in the caucused mediation. Standards addressed will include: confidentiality, conflicts of interest, quality of the process, working with pro se parties, and self-determination.

Speakers:

Leslie Sinner McEvoy
St. Paul, MN

Linda Mealey-Lohmann
Mealey-Lohmann Mediation & Dispute Resolution
St. Paul, MN

Ethics/Professionalism CLE Credit**Keywords: Ethics; Mediation****1041 - Should Your Company Get On (Or Stay On) The Arbitration Bandwagon?**

3:00 PM - 4:15 PM

This program will cover topics that every client should understand before agreeing to sign an arbitration clause or taking a dispute to arbitration. The topics include: legitimate and outdated reasons to choose arbitration for clients' contracts; the different types of arbitration available to clients; drafting arbitration clauses which best further client's goals; current trends in arbitration law and its implications in drafting an arbitration agreement; the life of an arbitrated dispute and key differences between managing a dispute in court versus arbitration.

Speakers:

Henry Allen Blair
Mitchell Hamline School of Law
St. Paul, MN

Kate Golden
M. A. Mortenson Company
Minneapolis, MN

Liz Kramer
Stinson Leonard Street
Minneapolis, MN

Denise Zamore
UnitedHealthcare
Hartford, CT

General CLE Credit**Keywords: Arbitration**

1051 - Improving Medical Malpractice Claim Outcomes and Patient Safety Through Early, Novel Resolution Processes

3:00 PM - 4:15 PM

This session will introduce specific novel, consensual resolution processes and the ways in which these can be implemented in the healthcare system. These processes include the participation of an impartial physician in early, structured resolution processes before the dispute has escalated and the parties are dug in. The objective is to substantially reduce cost and reach better outcomes with less risk than customary litigation or late stage mediation. This session will provide examples of new approaches to help transform disputes from burdens to patient safety and business opportunities. Participants will have the opportunity to apply and analyze these approaches in scenarios drawn from both the presenters' and from their own experiences.

Speakers:

Peter W. Benner
West Hartford, CT

Jeanette Mladenovic
HDRG
Boca Raton, FL

General CLE Credit

Keywords: Healthcare

1054 - Moving Beyond Emotion: Fostering Logic and Reason in Mediation Practice

3:00 PM - 4:15 PM

As described by Daniel Kahneman in *Thinking, Fast and Slow*, humans use different parts of their brain when making decisions. One part of our brain makes decisions based on instinct and gut feelings (System 1), and the other part of our brain relies on logic and reasoning (System 2). With the input of a professor of psychology, this session will explore how mediators can encourage clients to engage their System 2 functions. Panelists will conduct interactive exercises, identify valuable mediator interventions, and draw upon audience suggestions to demonstrate the benefits of System 2 thinking in mediation.

Speakers:

Shmuel Lissek
University of Minnesota
Minneapolis, MN

Jill A. Morris
U.S. District Court for the Western District of
Missouri
Kansas City, MO

Robyn Weinstein
U.S. District Court for the Eastern District of New
York
New York, NY

General CLE Credit

Keywords: Mediation; Neuroscience; Skills

1061 - ADR Around the World: Challenges and Trends from Three Continents

3:00 PM - 4:15 PM

As judiciaries and court systems around the world face the challenges of heavy caseloads and diverse party needs, many are establishing public and private ADR programs. Panelists working actively in Latin America, Asia and Europe will share insights into best practices and challenges, followed by a lively discussion with our audience about what jurisdictional trends, new laws and programs are being developed to meet the needs of the users.

Sheila Purcell
Hastings Center for Negotiation and Dispute
Resolution
San Francisco, CA

Vic Schachter
Foundation for Sustainable Rule of Law
Portola Valley, CA

Speakers:

Srdan Simac
High Commercial Court of the Republic of Croatia
Zagreb, Croatia, Hrvatska

Mariana F. Souza
PVS Advogados
Rio de Janeiro, RJ, Brazil

Not for CLE Credit**Keywords: International****1074 - Design an Authentic, Vibrant Self-Introduction that Attracts Clients!**

3:00 PM - 4:15 PM

Do you like meaningful conversations, but dislike selling yourself? Do you want your networking to yield more actual clients? In this highly interactive workshop, you will not only learn common errors that impede neutrals' networking efforts, but you will also design a fresh, authentic and effective self-introduction. Using a systematic approach, group discussions, and opportunities to practice and receive feedback, participants will discover powerful approaches to marketing that are enjoyable, energizing and aligned with their values. This workshop is relevant for established mediators and arbitrators and those who are just starting out or moving into a full-time practice.

Speaker:

Anna Rappaport
Excelleration, LLC
Washington, DC

General CLE Credit**Keywords: Practice Development****1088 - We All Belong: Integrating Values, Differences, and Environment**

3:00 PM - 4:15 PM

Value systems can be powerful frameworks for complex mediation, but few mediators have been trained to recognize diversity of values. Values provide the lens through which our clients experience their conflicts and values color our perceptions of what those clients need. Since most humans believe their values are reality, they often are blind to other worldviews. In this program, we will introduce a values model, participate in interactive exercises designed to heighten your awareness of how your values shape your interactions and explore how clients' values affect their perceptions and responses to conflict. We will learn how to transcend our values differences.

David Levin
David Levin, Attorney, Mediator, and Trainer
Santa Fe, NM

Luemara Wagner
The Law Office of Luemara Wagner
San Diego, CA

Speakers:

J. Kim Wright
Cutting Edge Law Enterprises, Inc.
Kissimmee, FL

Elimination of Bias CLE Credit**Keywords: Communication; Skills; Diversity**

1130 - Designing Limited Scope Representation and Other Programs for Self-Represented Litigants and to Promote Access to Justice

3:00 PM - 4:15 PM

This program will include a discussion and overview of what's involved in designing limited scope representation programs for pro se litigants. The purpose of the program is to provide court administrators and justice partners with a road map to build these programs and for presenters to share the successes and pitfalls of designing limited scope representation programs for ADR processes.

Denise M. Asper
Ninth Circuit, Office of the Circuit Executive
San Francisco, CA

Jennifer M. Gartlan
DC Court of Appeals
Washington, DC

Speakers:

David A. Hubbard
Conciliation Court Douglas County District Court
Omaha, NE

Maurice Q. Robinson
Seton Hall University School of Law Conflict
Management Program
Newark, NJ

General CLE Credit

Keywords: Court ADR; Access to Justice

THURSDAY, APRIL 11

SHOWCASE

1350 - Successfully Managing the Modern Alternative Dispute Resolution (ADR) Practice

4:00 PM – 6:00 PM

This program is presented by Thomson Reuters, a Diamond Sponsor of the 2019 Spring Conference.

The program examines the challenges facing the leaders of today's law firm and Alternative Dispute Resolution (ADR) practices. We will explore the intersection of competencies from attracting and retaining clients, to running the business of the practice, and successfully managing finances.

Key learning points for the program: How business management skills impact potential success. Recognizing the interplay of business development, matter management, and financial management skills in building and maintaining a growing, thriving practice.

Speaker: William Josten
Thomson Reuters Legal Executive Institute

Not for CLE Credit

CONCURRENT SERIES D.....10:15 AM – 11:30 AM

1008 - Keeping Youth Out of the School to Prison Pipeline: How Nebraska's Office of Dispute Resolution is Using Restorative Practices to Effect Change 10:15 AM - 11:30 AM

This session will describe how Nebraska's Office of Dispute Resolution has partnered with judges, county attorneys, diversion, probation, schools and regional nonprofit mediation centers to reduce the number of youth entering the juvenile justice system by utilizing Victim Youth Conferencing, a restorative justice practice. External evaluations by the University of Minnesota's Center on Restorative Justice and Peacemaking will report successful outcomes. School - justice system partnerships will be highlighted as a way to reduce youth entering the juvenile justice system.

Jennifer Blevins
University of Minnesota
Minneapolis, MN

Debora Denny
Nebraska Supreme Court
Lincoln, NE

Speakers:

Alisha C. Jimenez
Office of Dispute Resolution
Lincoln, NE

General CLE Credit

Keywords: Dispute System Design; Criminal; Court ADR

1012 - Follow the Money: Ethical Practices for ADR Providers and Neutrals When a Participant is Receiving Third-Party Funding 10:15 AM - 11:30 AM

Third-party funding is a growing phenomenon in which a non-party entity finances the legal representation of a party to a dispute in exchange for a portion of the recovered money, if the funded party wins. As the cost of justice increases, so does the likelihood that a participant in the dispute resolution process is receiving third-party funding. Too often, however, ADR providers and neutrals are unaware that one or both of the participants are receiving such funding. Even though disclosure about funding is fundamental to maintaining the transparency and integrity of dispute resolution, ADR providers and neutrals do not require disclosure of financial funding as a regular part of the dispute resolution practice. This program will explore what disclosures should be made about the third-party funder and how this disclosure might impact the conflicts, control, confidentiality and communication of the dispute resolution processes.

Kelly M. Daley
Burford Capital
Chicago, IL

Elayne E. Greenberg
St. John's Law School
Queens, NY

Speakers:

Victoria Shannon Sahani
Arizona State University Sandra Day O'Connor
College of Law
Phoenix, AZ

Ethics/Professionalism CLE Credit

Keywords: Ethics; Arbitration; Mediation

**1018 - Choices for Negotiators When Fashioning an Effective Negotiation Style:
When to Be Cooperative and Use Tactics and When to Be Competitive and Use
Tricks**

10:15 AM - 11:30 AM

Negotiators often employ bargaining tactics and can be tempted to use tricks that are easy to condemn but difficult to resist due to their effectiveness when undiscovered. This program will consider how to make informed choices during fast-paced negotiations. Presenters will introduce a method for fashioning an effective negotiation style based on an understanding of good practices, tactics and tricks with attention to why it is critical to avoid unethical behavior. Negotiation realities based on the presenters' work as researchers, teachers, trainers, and negotiators will be highlighted.

Speakers:

Hal Abramson
Touro Law Center
New York, NY

Charles Craver
George Washington Univ. Law School
Walnut Creek, CA

Skills CLE Credit

Keywords: Negotiation; Skills

1060 - Community Conversations: A Case Study of Falcon Heights

10:15 AM - 11:30 AM

On July 6, 2016, Philando Castile (an African American male), was shot and killed by a police officer after being pulled over. The shooting took place in Falcon Heights and the community was shocked and outraged. In response, the City Council established a Task Force on Inclusion and Policing to 1) articulate community values; 2) identify community needs; and 3) recommend programming and policies that would make Falcon Heights a more inclusive and welcoming place for residents and guests. To help develop the recommendations on policing and inclusion, the City Council worked with a consortium of professors of public engagement and conflict resolution to convene five community conversations. Another goal of these conversations was to promote healing. The project was funded in part by a grant from the American Arbitration Association Foundation. The conference session will include a participant in the community conversations who experienced a transformation from the trauma of losing his friend to becoming a productive advocate for justice.

Speakers:

Elizabeth Dressel
Minneapolis Public Housing Authority
Minneapolis, MN

Sharon Press
Mitchell Hamline School of Law
Saint Paul, MN

John Thompson
Fight For Justice LLC
Saint Paul, MN

Elimination of Bias CLE Credit

Keywords: Diversity; Public Policy

This program is presented by NAM (National Arbitration and Mediation), a Diamond Sponsor of the 2019 Spring Conference.

As a mediator, trust is a critical element in any successful negotiation. However, in an adversarial negotiation trust is a relative concept to the parties to the mediation. You may never come to fully trust your adversary, but that doesn't mean parties can't mutually engage in a good faith negotiation process—a simple and honest approach that is often derailed by looking to gain an advantage. Many good faith negotiations are sabotaged by parties using a variety of bad faith negotiation tactics, many of which are repeated all too often and can ultimately prevent a settlement. By shining a light on the parties to the mediation, this CLE program will shed light on what those tactics are and what can be done to ameliorate the situation.

Speaker: Hon. John P. DiBlasi
NAM (National Arbitration and Mediation)
Garden City, NY

Ethics/Professionalism CLE Credit

Keywords: Mediation; Ethics; Advocacy

Arbitration (and American arbitration in particular) has received increasing criticism, based largely on the contention that arbitration too closely resembles conventional litigation, producing undue burden and costs. Chief among the criticisms is the view that discovery (particularly discovery of electronic information, or "ediscovery") is largely uncontrolled, undermining efforts to promote arbitration as a speedy and economical alternative to litigation. This presentation suggests an alternate array of "hard" tools for controlling discovery burdens, which do not depend upon the discretion of the arbitrator. Through the adoption of one or more of these "hard" tools, parties can focus and streamline discovery processes, to increase the predictability of discovery obligations in arbitration, and reduce disputes about the application of proportionality rules.

Speaker: Steven Bennett
Park Jensen Bennett LLP
New York, NY

Skills CLE Credit

Keywords: Arbitration; Skills

1077 - **Commercial Demand for Diversity in ADR - The Legal Economy as a Catalyst for Social Change**

10:15 AM - 11:30 AM

More and more, corporations are branding themselves and instituting policies highlighting their initiatives for diversity. A decade ago had anyone ever heard of a Diversity and Inclusion Officer? Today, a corporation risks negative repercussions for not having one. So too, does the legal field. In response to the ever-increasing awareness and demand for diversity look no further than the ABA House of Delegates' passage of Resolution 105—a diversity initiative encouraging the selection of diverse ADR Neutrals. Join a panel of in-house counsel and ADR providers as they discuss the demand for diversity in ADR and what that means for the legal economy and society at-large.

Ramina Dehkoda-Steele
Wong Fleming
Redmond, WA

Govinda Jayasinghe
RealNetworks, Inc.
Seattle, WA

Speakers:

Joel Stern
NAMWOLF
Chicago, IL

Elimination of Bias CLE Credit

Keywords: Commercial; Diversity; Practice Development

1097 - **The Clients' Perspective: Improving Mediation Practice and Results**

10:15 AM - 11:30 AM

An interactive forum with general counsel and senior in-house counsel, experienced advocates and mediators will address prevailing mediation practices and identify areas for improvement from the outset of disputes through mediation preparation and the actual mediation session. The program will provide practical advice and insights from both in-house and outside counsel (the "clients" of the ADR process) about effective and ineffective practices which help improve the mediation process leading to better outcomes and future opportunities for all parties.

Joe Esposito
Hunton Andrews Kurth LLP
Washington, DC

Sherri Hallerman Gould
Wells Fargo Bank, N.A.
Minneapolis, MN

Speakers:

Jiyun Cameron Lee
Folger Levin LLP
San Francisco, CA

Mark LeHocky
ADR Services, Inc.
San Francisco, CA

Brad Lerman
Medtronic
Minneapolis, MN

General CLE Credit

Keywords: Advocacy; Mediation

1103 - Overcoming Anchoring and Impasse by Effectively Using the Mediator's Proposal and Bracketing

10:15 AM - 11:30 AM

Too often parties waste valuable time in mediation by giving too much weight to their opening offer and demand instead of trying to get to a reasonable settlement range. Such "anchoring" can cause parties distress, cause mistrust of the opponent and make for a long day. Using a role play exercise, three experienced mediators will share their experience using brackets and mediator's proposals to assist parties to reach a reasonable settlement range sooner than later.

Catherine Geyer
Supreme Court of Ohio
Columbus, OH

Douglas N. Godshall
Douglas N. Godshall ADR LLC
Medina, OH

Speakers:

Peggy Foley Jones
Giffen & Kaminski
Cleveland, OH

Skills CLE Credit

Keywords: Negotiation; Advocacy; Skills; Mediation

1107 - Encouraging Settlement in Arbitration: A View from the Trenches

10:15 AM - 11:30 AM

Experienced arbitrators may perceive that the parties, given an opportunity, would consider settlement while the arbitration is pending. This program will feature some innovative practices that arbitrators may employ to encourage settlement during the arbitration process without losing their ability to remain as neutral arbitrators with final and binding authority.

Ruth V. Glick
Glick Dispute Resolution
Burlingame, CA

Maggie Goetze
RBC Wealth Management
Minneapolis, MN

Speakers:

Harout J. Samra
DLA Piper
Miami, FL

Myra Selby
Ice Miller
Indianapolis, IN

General CLE Credit

Keywords: Arbitration; Advocacy

The recent book, *Conflict Resolution in Asia: Mediation and Other Cultural Models*, explores human interaction, conflict, and conflict resolution in the incredibly diverse region of South, East, and Southeast Asia. It examines how traditional, indigenous, and culturally based conflict resolution processes interact with more formal legal systems to build infrastructures that address conflicts at the interpersonal to international levels in ways that maintain social harmony. The author and panelists provide insight into situations where unique cultures come together to create appropriate conflict resolution systems that work every day to establish positive relationships in families, organizations, and internationally. It demonstrates the importance of culture in addressing conflict and validates the significance of innovative approaches to conflict resolution and peacebuilding.

Speakers:

Charles W. Crumpton Crumpton Collaborative Solutions Honolulu, HI	Tuan Anh Phung VCI-Legal Hồ Chí Minh, Vietnam
Geetha Ravindra FEMA Glen Allen, VA	Stephanie Stobbe Menno Simons College at the University of Winnipeg Winnipeg, Manitoba, Canada
Vanchai Vatanasapt College of Local Administration, Khon kaen University Khon Kaen, Thailand	

Not for CLE Credit

Keywords: International; Cross-cultural

FRIDAY, APRIL 12

CONCURRENT SERIES E.....1:15 PM – 2:30 PM

1006 - **ODR in the Courts: The Future is Now**

1:15 PM - 2:30 PM

Online dispute resolution (ODR) has been available as an alternative dispute resolution process for a number of years. The new and important development is that courts are embracing ODR at a breakneck speed and designing and implementing ODR platforms around the country and the world. This session will identify and describe current court-based ODR projects and provide an update regarding ODR state court-based programs that already are in place. Attend this session not only to learn what is happening in the United States and around the world, but also to participate in the current ongoing discussion as to how these platforms should be designed and what protections need to be built in.

Speakers:

MJ Cartwright Matterhorn by Court Innovations Ann Arbor, MI	David Allen Larson Mitchell Hamline School of Law Saint Paul, MN
Colin Rule Tyler Technologies San Jose, CA	Amy J. Schmitz University of Missouri School of Law Columbia, MO

Not for CLE Credit

Keywords: Court ADR; Technology

1016 - A Crisis on Campus: The Changing Landscape of Conflict Resolution in Higher Education

1:15 PM - 2:30 PM

This program is presented by JAMS, a Diamond Sponsor of the 2019 Spring Conference.

In these challenging times, colleges and universities are struggling to manage, resolve and prevent conflict. Instances of sexual assault and harassment on college and university campuses continue to occur in ever increasing numbers with grave consequences for all parties involved. Higher education is also affected by conflicts that affect non-academic institutions, but the context of these disputes, many of which are human resources-related, are unique within colleges and universities. Join a panel of experts for a vibrant discussion on the current state of conflict resolution in higher education and learn how to take your own steps to develop a practice in this rapidly developing area.

Frank Maas
JAMS
New York, NY

Ryan P. Poscablo
Riley Safer Holmes & Cancila LLP
New York, NY

Speakers:

Jennifer P. Sambito
JAMS
Orange, CA

General CLE Credit

Keywords: Practice Development

1030 - How to Obtain and Enforce Emergency and Interim Relief in U.S. and International Arbitration

1:15 PM - 2:30 PM

Emergency and interim relief are vastly underutilized tools that can assist in compelling arbitration, maintaining the status quo, preventing destruction and compelling production of evidence, and preserving assets. Issues on obtaining and enforcing such relief abound. Should emergency and interim relief be sought from a court or a tribunal, and do emergency arbitrator procedures preclude a court from granting emergency relief? What steps must be followed and what circumstances justify such relief? What are the consequences if an emergency or interim order is improperly granted, and what security can be required to mitigate those consequences? How can such an order be effectively enforced? This panel of U.S. and international counsel and arbitrators will address these issues and provide creative approaches to enhance the ability of new and seasoned practitioners to take full advantage of the availability of emergency and interim relief.

Ava Borrasso
Ava J Borrasso, P.A.
Miami, FL

Lincoln Caylor
Bennett Jones LLP
Toronto, Ontario, Canada

Speakers:

Kate Krause
Krause Dispute Resolution
Denver, CO

Bruce Meyerson
Bruce Meyerson PLLC
Phoenix, AZ

General CLE Credit

Keywords: Arbitration; International; Skills

1031 - Co-Mediation: Not Just Training Wheels for Inexperienced Mediators

1:15 PM - 2:30 PM

Co-mediation originated as a way to train new mediators; to support them as they learned and sharpened their skills. Co-mediation is now being used by experienced mediators to resolve complex or multi-party disputes. This session will discuss the benefits of co-mediation and introduce a variety of co-mediation tools and will also address some of the potential ethical dilemmas that may arise in co-mediation. The presenters will discuss the benefits and challenges of co-mediation and share ideas regarding best practices and safeguards that may be necessary for high-conflict participants.

Jane Juliano
U.S. Office of Special Counsel
Washington, DC

Kamaljit Lehal
Surrey, British Columbia, Canada

Speakers:

Deirdre McCarthy Gallagher
Voices of Value, LLC
Rockville, MD

Kathryn Sainty
Sainty Law
Burnaby, BC, Canada

Skills CLE Credit**Keywords: Mediation; Young Professionals****1035 - Arbitration and the Supreme Court: Updates on Law, Policy, and Practice**

1:15 PM - 2:30 PM

The 2017-18 and 2018-19 terms of the Supreme Court include four arbitration cases which have the potential to shape not only arbitration law but also how clients utilize arbitration in the future. Last May's Epic Systems case is already a potential landmark decision in the area of employment arbitration, and the three cases set for 2018-19 deal with the important issues of arbitrability, class actions, and arbitration of independent contractor claims.

Ronald G. Aronovsky
Southwestern Law School
Los Angeles, CA

Kristen Blankley
University of Nebraska
Lincoln, NE

Speakers:

James R. Madison
Madison ADR Services
Menlo Park, CA

Maureen Weston
Pepperdine Law
Malibu, CA

General CLE Credit**Keywords: Arbitration****1043 - Mediators Climb [Decision] Trees with Parties and Counsel**

1:15 PM - 2:30 PM

This session will demonstrate how mediators and lawyers can "climb [decision] trees" with parties to facilitate settlement decisions. The session will focus on how and when decision trees can be used within the mediation process to move parties' psychological anchors, reduce partisan biases and loss perceptions, and improve communication around numbers and case assessments. Best practices for mediators to elicit estimates of probability, outcome ranges, and costs as well as tangible and intangible party impacts will be discussed. The session will illustrate how the visuals of a tree can help parties understand and think through the litigation alternative and settlement choices. Panelists will explore and recommend when and how decision trees and risk trees can be introduced within the mediation process to reinforce perceived mediator neutrality, while increasing chances of settlement.

Marjorie C. Aaron
University of Cincinnati College of Law
Cincinnati, OH

Dwight Golann
Suffolk University Law School
Boston, MA

Speakers:

Richard Vangelisti
Vangelisti Mediation
Portland, OR

General CLE Credit**Keywords: Mediation; Communication; Skills; Advocacy**

1056 - **Mediation Ethics: What Should I Do?**

1:15 PM - 2:30 PM

Mediators often find themselves facing ethical conundrums that can undermine confidence in the process. This innovative program profiles panel members acting out ethical dilemmas as a catalyst to discuss and interpret the Model Standards of Conduct for Mediators and recent opinions issued by the Committee on Mediator Ethical Guidance, which construe those Standards. By the end of the program, attendees should be better equipped to understand and resolve intricate ethical challenges. Topics to be covered include: concealment of information in caucus, mediation and social media, conflicts of interest, and overreaching behavior by a participant.

Susan Nauss Exon
University of La Verne College of Law
Ontario, CA

Tracey B. Frisch
American Arbitration Association
New York, NY

Speakers:

Sam Jackson
University of North Carolina School of Law
Chapel Hill, NC

Ethics/Professionalism CLE Credit

Keywords: Ethics; Mediation

1069 - **What I'm Reading, 7**

1:15 PM - 2:30 PM

What inspires you in your life and work? Join us for the seventh year of What I'm Reading, a panel consisting of several established ADR scholars and practitioners speaking about a recent book or article (or movie) that particularly resonated with that person, particularly in light of ADR principles and practices.

Jill I. Gross
Elisabeth Haub School of Law, Pace University
White Plains, NY

Lauren A. Newell
Ohio Northern University, Pettit College of Law
Ada, OH

Speakers:

Peter Reilly
Texas A&M University School of Law
Fort Worth, TX

Not for CLE Credit

Keywords: Outside the ADR Box

1073 - **Humor in Collaborative Negotiation: No Laughing Matter**

1:15 PM - 2:30 PM

Humor is not widely recognized as a useful tactic in conflict resolution. This workshop is aimed at providing an analysis of the functions of humor in negotiation activities. There will be some serious comments about the concepts of humor followed by humorous video clips leading to a discussion-generated list of advantages and disadvantages of using humor in practice. Finally, suggestions will be provided on how to incorporate humor to promote successful collaboration.

Anita Dorczak
Westbrook Law and Mediation Centre
Edmonton, Alberta, Canada

Speaker:

Not for CLE Credit

Keywords: Collaborative Law; Mediation; Communication

1089 - **Diversity and Inclusion in ADR: Are We Doing Enough?**

1:15 PM - 2:30 PM

Women, minorities and other traditionally marginalized segments of the ADR community are loudly demanding placement on ADR rosters and appointment as neutrals. Many of the larger ADR providers such as AAA, JAMS and CPR have heeded this call and implemented programs and strategies to ensure more diversity in the composition of their rosters and in the eventual selection of neutrals. This session will focus on the initiatives devised and undertaken by these ADR providers and examine the success of their efforts in promoting diversity. It will explore whether more needs to be done to achieve diversity and what other initiatives may be implemented moving forward to ensure greater parity in the inclusion of marginalized segments of the ADR professional community.

Speakers:

Olivier P. André
International Institute for Conflict Prevention &
Resolution (CPR)
New York, NY

Ingeuneal C. Gray
American Arbitration Association
Houston, TX

Marvin E. Johnson
Center for ADR
Silver Spring, MD

Jaya Sharma
Sharma Law & ADR Inc.
Madison, WI

Mark Smalls
JAMS
Irvine, CA

Not for CLE Credit

Keywords: Diversity

1092 - **Evidence-Based Guidance for Child Protection Mediation Programs**

1:15 PM - 2:30 PM

When children are brought into the child welfare system due to abuse or neglect, a complex chain of events is triggered. Court-connected child protection mediation can provide an opportunity for parents, lawyers and social workers to chart a path forward for children and deal with issues that impede progress, but it is a complicated process that must meet the sometimes contradictory needs of the different parties. In this session, the results of comprehensive evaluations of very different programs in Chicago and Washington, DC, will be discussed, offering evidence-based program design guidance to those considering programs and those currently operating one.

Speakers:

Kelly Browe Olson
UA Little Rock
Little Rock, AR

Jennifer Shack
Resolution Systems Institute
Kennebunk, ME

Not for CLE Credit

**Keywords: Dispute System Design; Court ADR; Family;
Research**

CONCURRENT SERIES F.....2:45 PM – 4:00 PM

1007 - **What Do In-House Counsel Truly Want from Mediators and Mediations?** 2:45 PM - 4:00 PM

This program constitutes a blue ribbon panel of in-house general counsel and senior litigation counsel from major companies. David Singer will moderate an open discussion focusing on: the preferred timing of mediations; what counsel look for in their selection of mediators; repeat players; the extent and nature of pre-mediation sharing of information and negotiation and conducting the mediation. Discussions will also include the utility of group vs. caucus sessions; usefulness of techniques such as mediator's proposal; openness to converting a mediation into an arbitration with the mediator then serving as arbitrator; openness to online mediation and other issues. Participants will have an opportunity to vent their frustrations and pet peeves regarding mediation.

- | | | |
|------------------|---|---|
| Speakers: | Kristina Carlson
U.S. Bank National Association
Minneapolis, MN | Holly S. A. Eng
Cargill, Incorporated
Wayzata, MN |
| | Lisa Merklin Lewis
Ameriprise Financial, Inc.
Minneapolis, MN | David C. Singer
David C. Singer ADR
New York City, NY |
| | Pat Strong
Thrivent Financial
Minneapolis, MN | |

General CLE Credit

Keywords: Mediation; In-house counsel

1039 - **Times Up for Increasing ADR Diversity: The Role of In-House and Outside Counsel in the Diversity Mosaic** 2:45 PM - 4:00 PM

Panelists will examine the latest developments by ADR provider organizations and the ABA to help increase diversity in ADR. ABA Resolution 105 which passed the House of Delegates last year urges ADR providers, to diversify their rosters and encourage the selection of diverse neutrals. Data demonstrates that diversity in the Dispute Resolution field is significantly below that of the legal profession as a whole and shows that qualified diverse neutrals are less likely to be selected. An “Old Boy’s” network-based culture reinforced by implicit bias and a selection process cloaked in confidentiality, exacerbates the diversity problem in neutral selection. The Magic Key to unlock the problem of Diversity in ADR resides with the end user- the disputants.

- | | | |
|------------------|---|---|
| Speakers: | William Crosby
Interpublic Group
New York, NY | Linda Gerstel
Anderson Kill PC
New York, NY |
| | Archana Nath
Fox Rothschild LLP
Minneapolis, MN | Rekha Rangachari
New York International Arbitration Center (NYIAC)
New York, NY |
| | Conna A. Weiner
JAMS
Boston, MA | Jeffrey T. Zaino
American Arbitration Association
New York, NY |

Ethics/Professionalism CLE Credit

Keywords: Diversity

1050 - Resolve Disputes in 30 Days - Take the Early Dispute Resolution Challenge

2:45 PM - 4:00 PM

While businesses now aspire to operate at the speed of light, the Business Bar too often is satisfied to merely trim a month or two off of the lengthy, expensive process of dispute resolution. The Business Bar -- and the neutrals serving them -- need to up their game. EDR proposes a disciplined, deadline-driven, 4-step process (initial evaluation; information exchange; case assessment and damages; negotiation or mediation), supported by comprehensive protocols addressing ethics and implementation, to resolve disputes in 30 days (or more when experts are needed). This program describes the full process and the protocols used, and shows its implementation in the context of a high-profile dispute.

Speakers:

Anne S. Jordan
Jordan Associates
Chicago, IL

Peter Silverman
Shumaker, Loop & Kendrick
Toledo, OH

General CLE Credit**Keywords: Advocacy****1057 - Quick to Caucus - Is it for You or for Them? Helping Mediators Make Informed and Intentional Decisions**

2:45 PM - 4:00 PM

Do you meet with participants separately as part of your regular mediation practice? If so, why? When? And for how long? The trend has been to move to caucus earlier and longer, but should we? Research shows that caucusing increases the likelihood that they will like and trust YOU, the mediator. Great, right? However, research also reveals that they are less likely to trust each other and more likely to feel like they cannot resolve conflicts on their own. That's not so great. Based on research, this highly interactive skill-building and self-reflective session offers the opportunity to identify ethical considerations and challenges with caucusing and discuss tools and techniques needed to keep participants in the room together, thereby supporting their conversation and opportunity to resolve conflicts on their own. Join us as we grow together in this experiential session!

Speakers:

Gretchen A. Kainz
Life Rewards Action
Rapid City, SD

Sarah I. Malik
Malik Law LLC
Rockville, MD

Jessica Markham
Markham Law Firm
Bethesda, MD

Emmett J. Ward
Mediation and Conflict Resolution Office
(MACRO)
Annapolis, MD

Skills CLE Credit**Keywords: Mediation; Skills**

1065 - **When Experts Come from Different Planets: Strategies and Techniques for Reconciling Seemingly Irreconcilable Expert Evidence in Arbitration**

2:45 PM - 4:00 PM

Expert opinion evidence is a necessary part of many arbitrations that involve technical subject matter. Parties and their counsel have an incentive to push their experts to extremes in support of their positions. It can then be difficult to resolve the matter because the experts have not provided sufficient, adequate, or even the correct information from which to reach the right result. This program explores tools that both arbitrators and advocates can use to help find the common ground in seemingly irreconcilable expert testimony. These tools can help arbitrators analyze expert evidence to identify the real points of controversy and reach the correct result on the merits.

Theo Cheng
ADR Office of Theo Cheng
Princeton Junction, NJ

Sandra A. Jeskie
Duane Morris LLP
Philadelphia, PA

Speakers:

Sherman Kahn
Mauriel Kapouytian Woods LLP
New York, NY

Skills CLE Credit

Keywords: Arbitration

1080 - **Strategies for Arbitrating Multiple Claims with Multiple Claimants**

2:45 PM - 4:00 PM

Arbitrations with multiple claims and several parties carry choices for parties to evaluate. This panel will address practice tips for options to address disputes containing numerous claims, counterclaims and third-party claims, including the use of Redfern Schedules, spreadsheets, strategies for presenting testimony and evidence commonly used in international arbitral proceedings, and non-traditional scheduling of witness testimony. Discussions will include the role of the client and in-house counsel in determining whether to seek consolidation or joinder of additional parties, and issues for the client to consider before consenting to consolidation or joinder.

Anne E. Gorham
Gray Construction, Inc.
Lexington, KY

Deborah Bovarnick Mastin
Law Office of Deborah Mastin
Miami, FL

Speakers:

Allison Snyder
Porter Hedges LLP
Houston, TX

Not for CLE Credit

Keywords: Arbitration

1084 - **Mediation - Who is the Client?**

2:45 PM - 4:00 PM

This session looks at how ethical rules like the Model Standards for Mediators and professional guidelines intersect with questions of mediator accountability to third parties or organizations that are not the parties in the mediation room. We will focus on a number of different mediation settings to discuss how mediators can ethically balance the needs of the parties in front of them with the needs of the organizations hiring them to mediate. We will be role-playing several scenarios and will also invite audience suggestions of scenarios to unpack during the session. Mediators of all levels of experience welcome.

Erin R. Archerd
University of Detroit Mercy School of Law
Detroit, MI

Becky L. Jacobs
University of Tennessee College of Law
Knoxville, TN

Speakers:

Dr. Justin Wood
PhloxADR
Edmond, OK

Not for CLE Credit

Keywords: Mediation; Ethics; Skills

1091 - **Framing a Culture of Resolution: A Cross-Cultural Exploration of Resolving Workplace Conflict in New Zealand and the United States**

2:45 PM - 4:00 PM

The uniqueness of New Zealand's workplace landscape creates both challenges and opportunities for mediators, ombudspersons and restorative practice facilitators, but the conflict issues that people deal with at work are often the same the world over. What drives an employee's experience in resolving workplace conflict, particularly harassment and bullying issues? What can we learn from each other? This session delves into how New Zealand's bi-cultural nature, it's employment laws and customs, and its unique challenges due to size and location compare to workplace conflict resolution in the United States. Focusing on what parties expect and how they perceive the experience, this session delivers useful insights and perspectives that will benefit practitioners regardless of where and how they practice.

Sarah H. Lamar
Hunter Maclean Exley & Dunn, P.C.
Savannah, GA

Jennifer Mahony
FairWay Resolution Limited
Wellington, New Zealand

Not for CLE Credit

Keywords: International; Cross-cultural

1093 - **Dispute Review Boards – A Client-Driven Process: What You Need To Know About DRBs To Be An Effective ADR Advocate**

2:45 PM - 4:00 PM

This program provides ADR professionals, who may be unaware of the innovative impact DRB's have on resolving construction disputes, with an understanding of the basics of the process and how they can incorporate DRB's in their problem solving toolkit. Panelists will discuss the goals of the process, the selection of the panel of neutrals, the roles played by the parties in the dispute resolution process and how parties can identify and successfully resolve potential claims. Attorneys are typically excluded from the DRB process, resulting in non-legal professionals on the construction site propelling the dispute resolution process through a client-controlled, real time dispute resolution mechanism.

Speakers:

Ferdinand Fourie
4ie CRDA (Claims Resolution and Dispute Avoidance)
Lexington, SC

Teresa Frisbie
Loyola University Chicago School of Law
Chicago, IL

Jeff Kichaven
Jeff Kichaven Commercial Mediation
Los Angeles, CA

Kenneth M. Roberts
Schiff Hardin LLP
Chicago, IL

General CLE Credit

Keywords: Advocacy; Practice Development

1095 - **Who are the Clients in Dispute System Design? - The Impact of Context and Culture**

2:45 PM - 4:00 PM

In our multi-cultural world, we can better address differences if designers tailor systems to meet parties' interests. Dispute resolution professionals are in a unique position to foster client-centered design. But who are the clients and how best can professionals serve them in dispute system design (DSD)? This session examines these questions across the policy continuum in three contexts and cultures: California's court system, Indiana public engagement, and foreign direct investment in Peru. It will explore what dispute resolvers can do to better understand their clients and use this to design culturally and contextually appropriate dispute resolution processes and systems.

Speakers:

Lisa Blomgren Amsler
Indiana University School of Public and Environmental Affairs
Bloomington, IN

Mariana H.C. Gonstead
St. Thomas School of Law
Minneapolis, MN

Jessie Lawrence
Lawrence Meeting Resources
Santa Fe, NM

Janet Kathryn Martinez
Stanford Law School
Stanford, CA

Ethics/Professionalism CLE Credit

Keywords: Dispute System Design; Public Policy

1190 - Access to Justice and ADR - Are we Reaching Rural America?

2:45 PM - 4:00 PM

Despite the growing use of alternative dispute resolution in America, there are many barriers to the use and promotion of alternative dispute resolution in many areas of the country. Rural America, as defined by the members of this Panel, might be one such population. Leaders from state ADR programs will discuss their states' work in providing alternative dispute resolution across their populations - including rural America.

Speakers: Tracy B. Johnson
Georgia Office of Dispute Resolution
Atlanta, GA

Jennifer Taylor
Arkansas ADR Commission
Little Rock, AR

General CLE Credit

Keywords: Access to Justice; Court ADR

FRIDAY, APRIL 12

RESOURCE SHARES

1064 - Court ADR Resource Share

4:15 PM - 5:30 PM

Websites, court forms, newsletters, court rules, blogs, journals, books... In this session folks working in court ADR will learn from the most valuable resource - peers and colleagues - about the resources court ADR people find indispensable. Get suggestions about resources to help you address the issues your program is facing. Share the resources you value the most. This session will build on the resources shared last year, offering those of us working in court ADR the opportunity to support and advise one another. This interactive session is facilitated by Susan Yates from Resolution Systems Institute, with support from the ABA Section of Dispute Resolution Court ADR Committee.

Not for CLE Credit

Keywords: Court ADR

1170 - Legal Educators' Resource Share

4:15 PM - 5:30 PM

The Legal Educators' Resource Share has become a tradition in the Legal Educators' Colloquium. It serves as an in-person opportunity for legal educators to share resources, activities, role plays, and training tips in an interactive, fun environment. Facilitated by Bobbi McAdoo and Sharon Press, with significant participation from the ABA Section of Dispute Resolution Legal Education and Dispute Resolution (LEDR) Committee, the the hosts will compile the contributions and distribute them on the Legal Educators List Serve and the ABA LEDR committee's ABA Connect community.

Not for CLE Credit

Keywords: Legal Educators; Resource Share

SATURDAY, APRIL 13

LEGAL EDUCATORS' COLLOQUIUM

1023 - **#MeToo: Exploring Dispute Resolution Angles**

8:30 AM - 9:30 AM

The #MeToo movement is having a dramatic impact in many realms, but this expert panel will address this important social movement from the standpoint of dispute resolution. Focusing on complaints of harassment in the workplace will help us explore aspects of negotiation (including non-disclosure agreements), mediation, and arbitration. We will also consider #MeToo from the perspective of restorative and transitional justice. The panel will not only critique some current practices but also consider the constructive questions of how companies and government agencies should best design dispute resolution processes to deal with complaints of sexual harassment.

Michael Z. Green
Texas A&M University School of Law
Fort Worth, TX

Jennifer K. Robbenolt
University of Illinois
Champaign, IL

Speakers:

Jean R. Sternlight
UNLV Boyd School of Law
Las Vegas, NV

Elizabeth C. Tippet
University of Oregon School of Law
Eugene, OR

General CLE Credit

Keywords: Employment; Dispute System Design; Social Justice; Legal Educators

1024 - **Criminal-Side ADR: Problems and Possibilities**

9:45 AM - 11:00 AM

When it comes to improving the criminal justice system, our field (which emphasizes conflict management, process innovation, paradigm shifts, and large-scale reform) has a great deal to offer. But pivoting from the civil side to the criminal side presents a number of theoretical and practical challenges, especially given the tenets of civil ADR practice: self-determination of the parties, informed consent, neutrality, the ability to walk away, the availability of broad discovery in litigation, privacy/confidentiality, and so on. This panel will explore the challenges for ADR scholars and professors who want to focus more on criminal-side alternative processes.

Cynthia Alkon
Texas A&M University School of Law
Fort Worth, TX

Amy J. Cohen
Ohio State University Mortiz College of Law
Columbus, OH

Speakers:

Jen Reynolds
University of Oregon School of Law
Eugene, OR

Andrea Schneider
Marquette University Law School
Milwaukee, WI

General CLE Credit

Keywords: Criminal; Legal Educators

LEGAL EDUCATORS' COLLOQUIUM

1138 - The Competition Circuit: Maximizing Learning Experiences in Dispute Resolution Competitions

9:45 AM - 11:00 AM

Annually, law students across the country participate in dispute resolution competitions. Viewed by some as an oxymoron, the competitions provide opportunities for students to learn and apply valuable skills in a simulated setting. Join competition coaches, advisors, and hosts as we share experiences and explore emerging topics within the competition circuit. The panel and audience will tackle issues such as implicit bias in judging and team selection, promoting judgement and professionalism, recruiting coaching and judges, as well as competition format and design.

Speakers:

Rishi Batra Texas Tech University School of Law Lubbock, TX	Debra Berman South Texas College of Law Houston Houston, TX
Carli N. Conklin University of Missouri School of Law Columbia, MO	Toby Guerin Maryland Carey Law Center for Dispute Resolution Baltimore, MD
Carrie Wilkes Kaas Quinnipiac Univ School of Law Hamden, CT	

Not for CLE Credit

Keywords: Legal Educators; Mediation; Negotiation; Arbitration

1026 - Community Conversation: A Reflective Look at Mediation Teaching and Practice

11:15 AM - 12:30 PM

This facilitated discussion is a joint search for mismatches: between the way we teach mediation and what our students may encounter or require in practice, and between what we teach and what clients may actually desire. Focusing on the conference's theme, we pre-identify two party-centric mismatches spotlighted recently: between the facilitative approach commonly taught, and the evaluative approach many parties desire; between the dialog-based approach commonly taught, and some parties' preference for caucus-heavy processes. Are there ramifications of such mismatches for our teaching? What other mismatches exist? Our teaching can only benefit from a candid reflective conversation on this topic.

Speakers:

Noam Ebner Creighton University Omaha, NE	Joan Stearns Johnsen University of Florida Levin College of Law Gainesville, FL
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General CLE Credit

Keywords: Mediation; Legal Educators

LEGAL EDUCATORS' COLLOQUIUM

1096 - Raw and Real Simulations: Negotiating and Mediating through Offensiveness

11:15 AM - 12:30 PM

This session examines how today's climate of heightened sensitivity around issues of trauma, race, sex, gender identity, socio-economics, and politics poses new questions for simulations as a teaching tool. Examples of these challenges include: How to make simulations reflect real life without reinforcing stereotypes or oversimplifying complex dynamics? What if role assignments trigger a traumatic experience for a particular student? In this interactive session, participants will closely examine role-play as a teaching tool, consider new dynamics raised (or mishandled) by simulations, and take away practical strategies for navigating this new territory and reinvigorating their use of role-plays.

Speakers:

Carol Izumi
University of California Hastings College of Law
San Francisco, CA

Lydia Nussbaum
UNLV Boyd School of Law
Las Vegas, NV

Gail Silverstein
San Francisco, CA

Deborah Thompson Eisenberg
University of Maryland Carey School of Law
Baltimore, MD

Ellen Waldman
Thomas Jefferson School of Law
San Diego, CA

Not for CLE Credit

Keywords: Legal Educators; Mediation; Negotiation

1033 - Shining the Light on Parties by not Casting our own Shadows - Bringing Meaningful Reflexive Practice into Collaborative Processes (and the Classroom)

2:15 PM - 3:30 PM

Intervenors are admonished to remain impartial - if not "neutral" - so as to permit the process to focus on the parties themselves. However, impartiality, let alone neutrality, is difficult (if not impossible) to achieve, particularly as we increasingly recognize the diverse and global nature of our field. In order to shine a light on parties to conflict, intervenors need to deepen our awareness and develop habits where we do not - even inadvertently - cast our own shadows on the parties or their process. This session introduces insights and practical tools to minimize the shadows we cast, creating a space where the parties can shine.

Speakers:

Ellen Deason
Ohio State University Moritz College of Law
Columbus, OH

Kenneth Fox
Hamline University and Mitchell Hamline School
of Law
St Paul, MN

Not for CLE Credit

Keywords: Legal Educators; Mediation; Reflective Practice; Collaborative Law

SATURDAY, APRIL 13

LEGAL EDUCATORS' COLLOQUIUM

1320 - **Teaching Sensitive Topics in Dispute Resolution Courses**

2:15 PM - 3:30 PM

The Kavanaugh hearings, the tragedy in Pittsburgh and other national events have in the back of our students' minds as they take our courses in a way that seems more powerful than in the past. Many conflict and dispute professionals have tried bringing these issues out in the open as a part of their teaching and classroom discussion. The results have been mixed. This session will be a facilitated discussion of academics about the potential, challenges, and methods of embracing such topics.

Speaker: Richard Reuben
University of Missouri School of Law
Columbia, MO

Not for CLE Credit

Keywords: Legal Educators; Social Justice
